

Cheyenne, WY – Laramie Street – Viewer's Report
Viewer's Report
PZ-21-00242
Also known as: Road Petition #505 (RP#505)



Molly Bennett
Director
Laramie County Public Works
March 21, 2023



Executive Summary and Recommendations

Regarding the submitted petition to establish Right-of-Way for Laramie Street extending from Whitney Road westerly to the eastern boundary of Dakota Crossing Subdivision (within Cheyenne, Laramie County), it is my recommendation as the appointed viewer that:

A 60-foot publicly dedicated Right-Of-Way be established in accordance with County policy and existing regulations and laws with the condition that, the petitioner incur all associated costs.

Details of the recommended conditions are as follows:

1. Petitioner to reimburse Laramie County for the third party consultant (Y2 Consultants) hired by Laramie County to conduct research and provide related subject matter expert level information. As of March 13, 2023 the cost is \$12,783.50.
2. Any and all damage claims upon appraisal report(s) being submitted by the appraisal team, which is unknown and dependent upon completion of the appraisals and receipt of submitted damages by those parties who choose to do so.
 - a. All damages shall be paid to Laramie County and the claimants prior to any platting, permitting etc. being submitted to Laramie County.
 - b. It is recommended that Laramie County prepare a final list of costs that the petitioner will review and accept.
3. In addition, if the petitioner of this road petition application is not willing to incur the total costs as outlined and yet to be determined, my recommendation would be for the Commissioners to not establish this stretch of Laramie Street as a ROW.

Based on the findings of this report:

- This road currently serves the public convenience.
- Various agencies and interested parties/stakeholders have provided comment that they would like to see this section of road established as a public Right-of-Way.
- The local residents have utilized the road for many years, extending as far back as 1956.
- Various utilities lay within the roadway including gas and electrical facilities.

If established as Right-of-Way:

- The establishment will also offer better service by emergency personnel to the area residents.
- The road will serve as an alternative route for residents in Dakota Crossing.
- Allow a secondary ingress/egress for residents that live on Laramie Street.
- Allow the opportunity for additional resources to the residents on Laramie Street such as water and sewer.



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Introduction

As a result of the August 17, 2021 Board of County Commissioners (BOCC) meeting, I, Molly Bennett, was appointed as the Viewer of the petition brought before the Commission to establish Laramie Street, between the eastern most border of Dakota Crossing, east to Whitney Road, as a Right-of-Way (ROW) in Cheyenne, Laramie County, Wyoming. The information within this report has been compiled in order to make an educated and appropriate recommendation to the BOCC. I have compiled the following report as a flow through this process and what led to my recommendations. I will discuss the background of this project/petition, my observations and my recommendations to the Board moving forward.

Background

Location and Subject Area

The subject area for this petition and report is located in close proximity to the City of Cheyenne in the central portion of Laramie County, Wyoming, Section 26, Township 14 North, Range 66 West. Figure 1 below illustrates that, by the year 1956, residents in the area were utilizing what is now known as “Laramie Street”. While the photograph does not show the details of ownership, it is apparent that multiple residents were using the road as access to their properties.

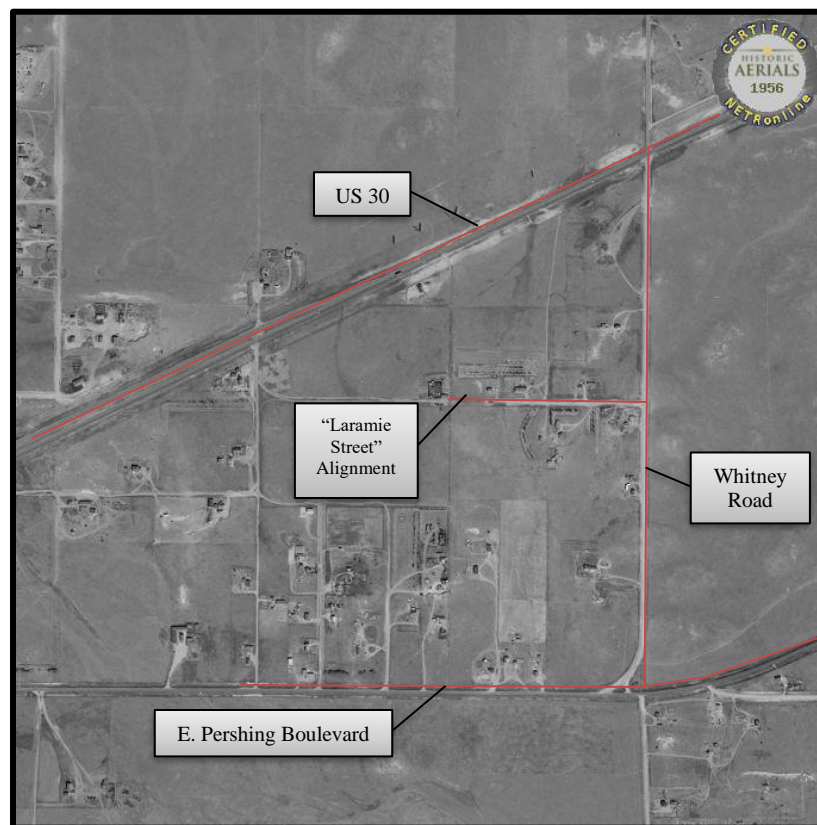


Figure 1: Aerial Photograph of “Laramie Street” from 1956



Figure 2 below shows the subject property and the limits of the proposed ROW for discussion. The area of interest is located within Laramie County and is surrounded on the east and west by properties annexed into the City of Cheyenne. The areas highlighted in pink have been annexed into the City of Cheyenne.

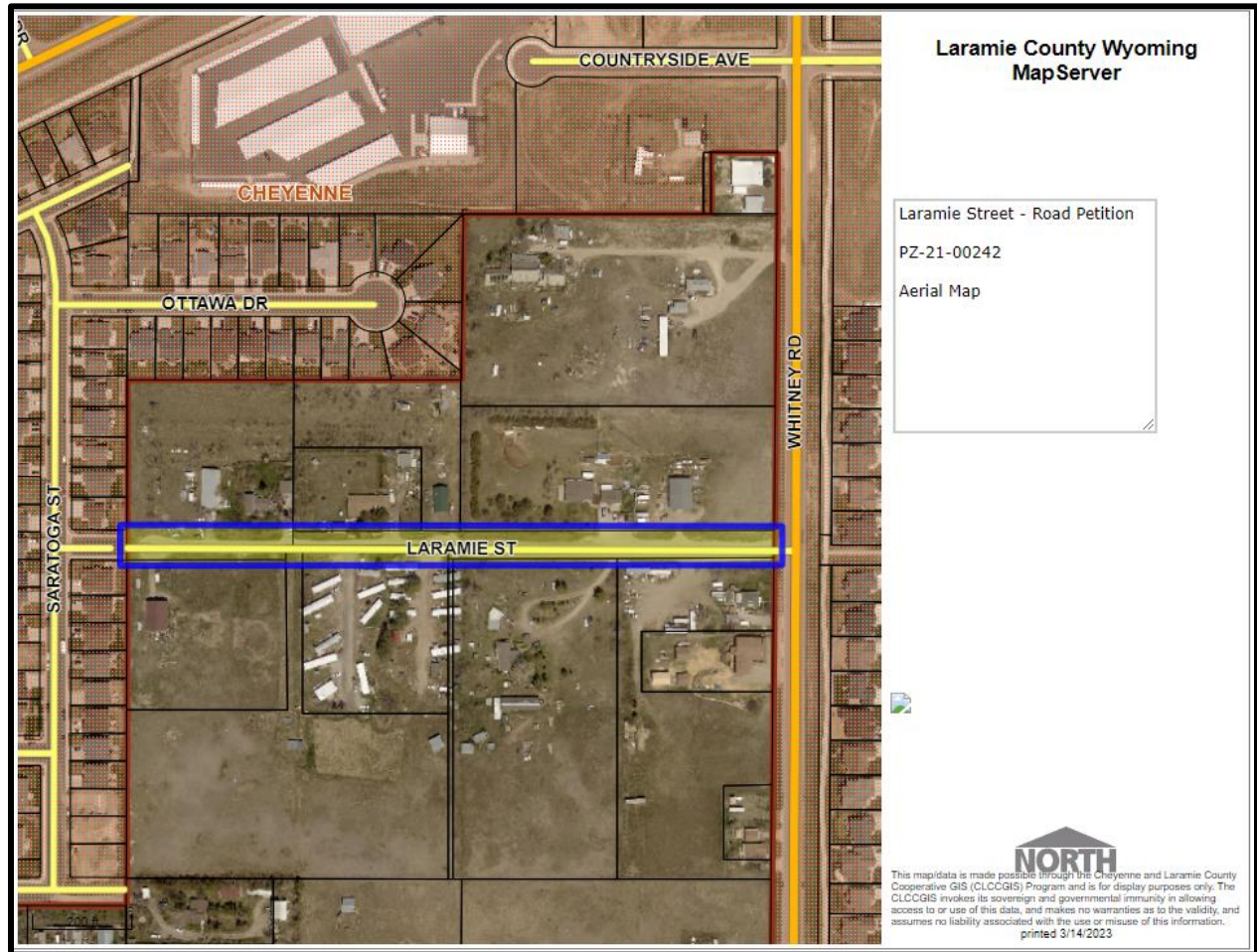


Figure 2: Subject Property Exhibit

The subject property consists of a gravel roadway from the eastern boundary of Dakota Crossing, extending eastwardly to Whitney Road. The surrounding properties consist of both urban and rural residential properties, with the addition of a mobile home park on the south side of “Laramie Street”. An extension of ROW was established within the Dakota Crossing subdivision at the time of the plat in 2005. Note the majority of parcels surrounding “Laramie Street” have not been platted as of this writing.



The zoning information below indicates long-range intent for growth and/or redevelopment of the area. With that, this area will require services that may not be able to be provided given the existing state.

The Laramie County Comprehensive Plan identifies the area as Urban-Rural Interface (URI). This area is intended to accommodate a mix of more intensive land uses than other areas. These areas may have public water and sewer services, a higher level of vehicular access, and a greater overall level of community services. Higher density residential, intensive commercial, employment centers and industrial uses are preferred in these areas. Large lot, low-density residential or intensive agricultural uses are generally less suitable.

The existing zoning within Laramie County for the area is Agricultural Residential (AR). These areas are primarily used for large lot, detached residential development at a density which typifies a rural lifestyle are considered agricultural residential. However, the Future Land Use Map (as shown in Figure 3) identifies the area as Mixed-Use Residential (MU-R). The intent of the MU-R areas are for a mix of Residential, Retail, Service, Employment and Civic uses where the predominant use will be Residential, with moderate or higher densities and a range of housing types.

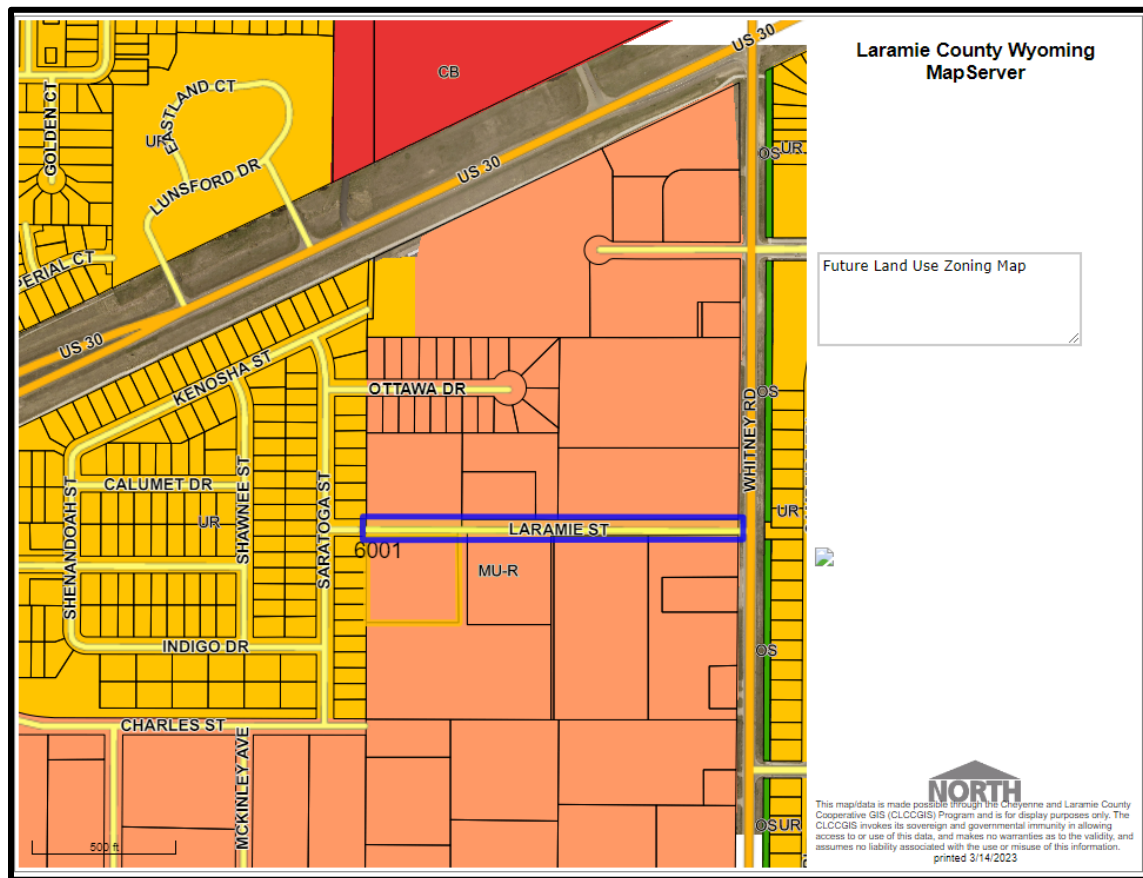


Figure 3: Future Land Use Map



Existing Conditions

For the purpose of this report, Y2 Consultants (Y2) was hired by Laramie County to research this area and furnish an exhibit showing the existing conditions. Appendix A includes the report and associated documents supplied by Y2. The information provided by Y2 is extensive and detailed due to the contentious nature of this establishment. A screenshot of a portion of the Existing Conditions Exhibit provided by Y2 is below as Figure 4.



Figure 4: Existing Conditions Exhibit

**Parcels/Lots for consideration within the establishment**

The below list encompasses the parcel/lots that could be impacted by this establishment. This list is based on the Laramie County GIS Assessor map ([link](#)) as of March 4, 2023.

1. Street Address: **6001 Laramie Street**
 - a. Name: WELCH, JOHN W AND SUSAN FAM TR
2. Street Address: **6016 Laramie Street**
 - a. Name: BRUCKNER, RICHARD D
3. Street Address: **6108 Laramie Street**
 - a. Name: STUART WALKER, ADAM ET UX STUART WALKER, HANNAH
4. Street Address: **6110 Laramie Street**
 - a. Name: MESSENGER LIVING TRUST
5. Street Address: **6117 Laramie Street**
 - a. Name: HILLTOP FUNDING INC C/O GRAY, KRISTY
6. This parcel includes two addresses
 - a. Street Address: **6212 Laramie Street**
 - b. Street Address: **6216 Laramie Street**
 - i. Name: MORRIS, MARK T ET UX MORRIS, TRISHA F
7. Street Address: **6213 Laramie Street**
 - a. Name: CLARK, MICHAEL D ET UX CLARK, E JAYNE
8. Street Address: **3524 Whitney Road**
 - a. GRIDER, TIMOTHY RAY C/O JENKINS, PATRICK H
9. The below parcels are included due to the history of its establishment.
 - a. Street Address: 3520 Whitney Road
 - i. Name: EATMON, JUDY L LIV TR
 - b. Street Address: 3430 Whitney Road
 - i. Name: TILLEY, DARIN JAMES
 - c. Street Address: 3710 Whitney Road
 - i. Name: DURAN, ELI ET AL
 - ii. VICE, IRENE
 - iii. MADRID, ALFRED
 - iv. MADRID, MARTHA J
 - v. MADRID, DAVID JUSTIN
 - vi. DURAN, DIANA

Further discussion on the information therein can be found later within the “Discussion” portion of this report.



Relevant History and Information

Road Petition PZ-20-00045

A Road petition of a very similar nature was considered by Laramie County on April 7, 2020. The extent of the previous Viewer’s report and road petition application can be found in Appendix B.

The Viewer’s report was presented on November 17, 2020. In summary, the viewer of that report did not make a specific recommendation. Figure 5 (pulled from Appendix A) is a breakdown summary of the public comments received at the public hearing.

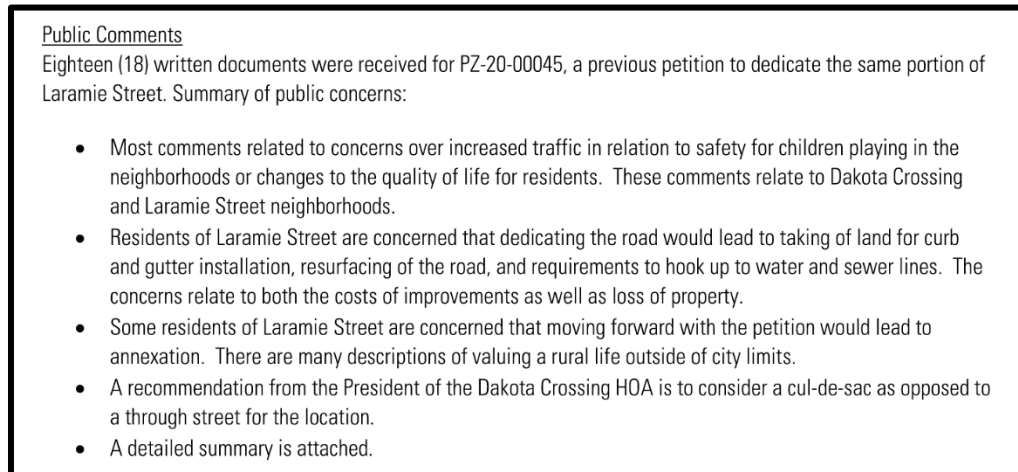


Figure 5: PZ-20-00045 Public Comments Summary

Brad Emmons, formerly representing Laramie County Planning, presented the Viewer’s report on behalf of the preparer, David Bumann, formerly of Laramie County Public Works. Mr. Emmons said a surveyor should research the records to determine if there are easements for the road. He stated the petitioner did not provide a survey as was requested by the County. Members of the Board expressed concerns about the lack of information from the petitioner. Ultimately, the Board denied the petition based on the lack of information provided by the applicant.

The applicant resubmitted the road petition for “Laramie Street” which was considered at the August 17, 2021 BOCC meeting. I, Molly Bennett, was appointed as the Viewer on whether or not to establish a ROW along what is known as “Laramie Street” as described previously in this report. Appendix C includes the resolution from the BOCC meeting on August 17, 2021.



Stakeholder Related

Stakeholders directly impacted were asked to provide comment as well. Appendix D includes the letters sent to stakeholders and the associated responses. The list of stakeholders included:

- City of Cheyenne
 - Engineering
 - Response included
 - Board of Public Utilities
 - Response included
- Cheyenne Metropolitan Planning Organization
 - Response included
- City of Cheyenne Fire
 - Response included
- Laramie County School District 1
 - Response included
- Black Hills Energy
 - Response included
- Dakota Crossing HOA
 - Response included
- Laramie County Planning (addressing)
 - No response received
- Cheyenne Laramie County Public Health
 - Response included
- High West Energy
 - No response received

Public comment was also received for this application/road petition. Appendix E includes the public comments received.



Pertinent Statutes

The Laramie County Board of Commissioners on August 17, 2021, appointed me for the purpose of viewing under Wyoming State Statutes 24-3-101, 104-106.

- 24-3-101
 - "... The board of county commissioners of any county, may, on its own motion by resolution duly adopted, where it deems the public interest so requires, initiate the procedure for the establishment, vacation or alteration of a county highway, as the case may be, by setting forth in such resolution the point of commencement, the course and the point of termination of said road to be established, altered or vacated, as the case may be, and thereafter following out the provisions of article 2, chapter 52, Wyoming Revised Statutes, 1931, not inconsistent therewith. ..."
- (Highways, 1924/2021)

Additionally, I performed under the following procedures as set forth. The viewer's job is defined mostly within the following three Wyoming State Statutes:

- 24-3-104
 - "The person so appointed shall be termed a viewer, and he shall be sworn by some person or officer authorized by law to administer oaths, before entering upon his duties, to faithfully and impartially discharge his duties, and he shall file his oath in the office of the county clerk. He shall not be confined to the precise matter of the petition, but may inquire or determine whether that, or any road, in the vicinity of the proposed or altered road, answering the same purpose is required." (Highways, 1924/2021)
 - 24-3-105
 - "In forming his judgment the viewer shall take into consideration both the public and private convenience, and also the expense of the proposed road."
- (Highways, 1924/2021)
- 24-3-106
 - "The said viewer shall report in writing to the board of the county commissioners, whether or not in his judgment, said proposed road is practicable, and ought or ought not be established, altered or vacated, as the case may be, stating the probable expense of the same, including damages to the property owners along the line thereof, the benefits thereto, and such other matters therein as shall enable the said board to act understandingly in the premises." (Highways, 1924/2021)



Discussion

Since the inception of this journey in April of 2020, there have been a number of people involved in this project. Emails, phone calls and in person meetings have taken place prior to my involvement related to the road petition. My comments, discussion and findings are based on the information provided within this report.

The following discussion is intended to guide the reader through my (the viewer) thought process and expand on the decision presented for this Viewer's report.

Existing Conditions/History

Through the research of Y2, it was discovered that a quasi "road" was established around 1945 by land owner Pearl Swinback. She was the original owner of a majority of the land surrounding the current "Laramie Street". To quote the Conclusions of findings from Gary Grigsby of Y2 (Appendix A), "The deeds of record for the project location contain similar language that "a strip of land 60 feet in width... is hereby provided for use of the public as a road". It is also found that a road does exist in the petitioned location and has been used since 1945 by local residents...". This history within the area has proven to add an additional and complicated layer to this road petition.

Through an in depth review of the deed language as mentioned above, some of the deeds do indicate the strip of land is present. While other deeds do not specifically call out the "strip of land" language, the deed does include the following statement "subject to any and all restrictions, reservations, covenants and easements of record". While within other deeds the language indicating the strip of land to be used as a road seems to have not been carried through since 1946. At this time, I do not feel the records associated with the "strip of land for use as a road" are clear and concise enough (without further interpretation by a subject matter expert) for use in a common law dedication of what is known as "Laramie Street". More specific details related to the deeds of the parcels, can be found within the Report submitted by Y2 (Appendix A).



Utilities

There are existing utilities within this road section. It is an industry standard for utilities to be placed within public ROW for ease of access, repair and maintenance. Through research for this report, Y2 (with assistance of Laramie County Public Works) performed a One-call Utility request on this section of land. Below is a screenshot of the information provided on the “Laramie Street Existing Conditions Exhibit” prepared by Y2 and contained within Appendix A.

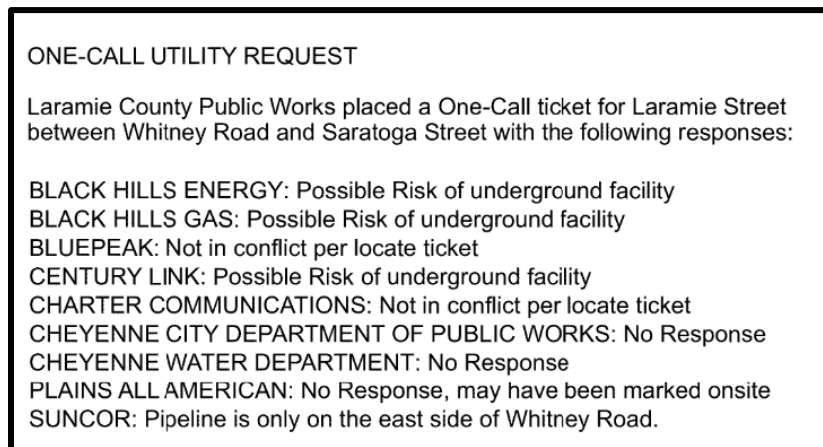


Figure 6: One-call Utility Request List

The consensus provided by the utility companies was the preference for a publically dedicated ROW. The detailed responses for the utility companies are contained within Appendix D as laid out in the Stakeholder Related section above.



Traffic Impacts and Access

With the position of Director Public Works, I believe it is within my duty to the citizens of Laramie County to provide a safe transportation network. That applies to snow control, transportation planning, accesses, intersection configuration and many other areas that affect and/or impact the transportation network within Laramie County.

Feedback was solicited from emergency services, departments within the City of Cheyenne and other entities within the vicinity of "Laramie Street". The City of Cheyenne Fire Rescue is in favor of a ROW for more direct access to the southern portion of the Dakota Crossing Subdivision. The Cheyenne Metropolitan Organization (Cheyenne MPO) is in favor of a ROW from the perspective of providing connectivity within the transportation network. They state in their response, "It is important to connect neighborhoods with public right-of-way and eventually a built-out street including sidewalk." The Laramie County School District Number 1 representative also mentions the connectivity from the perspective of the children walking and utilizing "Laramie Street".

From a long-range perspective, this ROW may eventually be a through street fully built out with curb, gutter and sidewalk. As a through street, this would increase traffic along this specific section of the road at the time it is established as a through street. A traffic impact study was not conducted for use in this report. Regardless, the traffic impact on the current residents of the area may be significant. The outcome of this report is whether this section of "Laramie Street" should be established as a ROW. Until such time as development happens there could be alternative options such as a cul-de-sac which could be negotiated between the residents and developer after the final decision and conditions have been made and/or met by the applicant(s). If possible, an access for emergency services (i.e. fire access only) would be ideal to better service the residents within Dakota Crossing. A condition could be placed on the road establishment along the lines of "as the area grows and develops in alignment with the Future Land Use Plan, a through street section shall be considered by the municipality with jurisdiction."

Addressing

Addressing should not be impacted regardless of the outcome of this Viewer's report. Currently residents that live along "Laramie Street" are addressed from Laramie Street or Whitney Road.



Public and Private Impacts

Public Maintenance

This section of what is known as “Laramie Street” is not, and has not, been maintained by Laramie County Public Works. A Road Maintenance Agreement was recorded on January 24, 2001 between private residents. Figure 7 is a snap shot of that agreement. As a point of clarification, the “road easement” called out in the figure below is included within Appendix A under the address of 6010 Laramie Street. This maintenance agreement is included in its entirety within Appendix A.

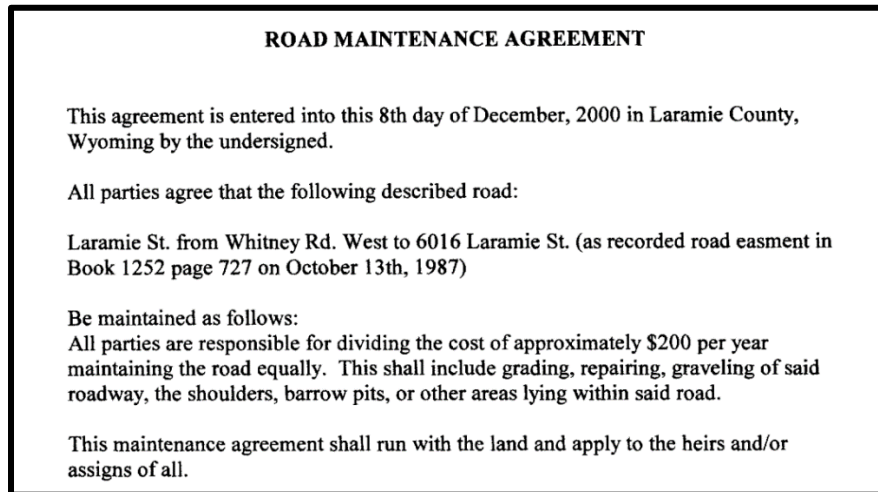


Figure 7: Road Maintenance Agreement BK#1576 PG#1045

At this time, I cannot speak to what maintenance will look like in the future for this section of “Laramie Street”. Potential development of the area may mean the right-of-way could be annexed into the City of Cheyenne. The jurisdictional parties responsible for the maintenance (and cost to maintain) the road section would have to be determined at that time.

Public Infrastructure

No infrastructure upgrades would be part of this right-of-way establishment. Infrastructure upgrades could include but are not limited to; water lines, sewer lines, storm water piping, curb and gutter, sidewalk, pavement, etc. Infrastructure upgrades would have to be negotiated at the time of any adjacent properties bringing development actions before a governing body (City of Cheyenne and/or Laramie County).

Future infrastructure upgrades could be positive from the perspective of containing the drainage and or runoff within the ROW. This would be accomplished with curb and gutter and/or storm water piping along length of “road”. This establishment could also mean access to water and sewer lines through development actions for the existing residents. Through development within the City of Cheyenne, water and sewer lines would need to be extended for those parcels. There is a possibility residents along “Laramie Street” could connect to the water and/or sewer lines in the future, if needed. Based on interpretation of correspondence with the Laramie County Environmental Health department, the future construction of the roadway could affect the septic systems of the existing residents. This area is within the 201 agreement boundaries and would influence options for homeowners if their septic systems fail in the future. With a sewer line



extension adjacent to those properties, the landowners (potentially at their own cost) would be able to connect their sewer lines to the City of Cheyenne Board of Public Utilities without annexation into the City.

Being that this road is not maintained by Laramie County Public Works and it is not the intent of this recommendation to take on maintenance of the road, there will be no major impact to the taxpayers as far as maintenance or construction within this proposed ROW. However, there is potential for the damage claims associated with this establishment to be considerably high. I do not believe that is a burden the taxpayers of Laramie County should endure. If the petitioner requesting this establishment is serious, I believe the damage claim costs/bills shall be endured by the petitioner of this ROW establishment.

Private Impacts

From a private impact perspective, there will be impacts on at least ten immediately adjacent lots and Dakota Crossing residents. With the future road build-out, the impacts to the residents along "Laramie Street" could be vast. The impacts could be a positive or a negative, in my opinion. Some of those impacts would involve but are not limited to, an increase in traffic volumes (both vehicular and pedestrian), potential septic system impacts (the costs of which could potentially be borne by each individual parcel owner), potential property tax adjustments (note, the specific impact to the homeowners property taxes was not evaluated within this report.), access to city services (water and/or sewer), drainage impacts, etc.

Through this establishment process, those impacted will be able to claim damages and potentially receive compensation for the impacts incurred. That process and outcome is to be determined within the next steps of this road establishment.